

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

TUESDAY, THE 20TH FEBRUARY 2007 / 1ST PHALGUNA 1928

WP(C).No. 5566 of 2007(K)

PETITIONER:

BALAKRISHNAN, S/O. NEELAKANTAN,
ALATHIRIPARAMBIL, CHERANELLOOR,
ERNAKULAM DISTRICT.

BY ADV. SRI.K.P.VIJAYAN
SRI.V.M.SYAM KUMAR
SMT.C.B.SUMA DEVI

RESPONDENTS:

1. CHERANELLOOR GRAMA PANCHAYAT,
S. CHITTOOR P.O., ERNAKULAM DISTRICT,
REPRESENTED BY ITS SECRETARY.
2. ASOKAN, S/O.NARAYANAN,
ALATHIRIPARAMBIL, CHERANELLOOR,
ERNAKULAM DISTRICT.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 20/02/2007,THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

PIUS C. KURIAKOSE, J.

W.P.(C) No. 5566 OF 2007

Dated this the 20th day of February, 2007

JUDGMENT

I do not propose to examine the merits of the matter. But to Ext.P2 notice issued by the Panchayat, the petitioner has already submitted Exts.P3 and P5 replies. Petitioner has a grievance that in spite of Ext.P4 request, he has not been served with even a copy of the complaint submitted by one Sri.Alathiriparambil Asokan, on the basis of which only Ext.P2 was issued.

2. Having regard to the various grounds raised and the submissions of Sri.V.M. Syam Kumar, learned counsel for the petitioner, I am of the view that at this stage itself and even without issuing notice to the 2nd respondent-complainant, this Writ Petition can be disposed of with the following directions:

The 1st respondent-Panchayat will furnish to the petitioner a copy of the complaint submitted by the 2nd respondent as per Ext.P4 within three days of the petitioner producing a copy of this judgment. Within three weeks of serving a copy of that complaint to the petitioner, the Panchayat will hear the petitioner as well as the 2nd respondent on Exts.P3 and P5 and also the complaint of the 2nd respondent and take a decision. Once decision is taken, both petitioner and the 2nd respondent

will be informed of the same. Till such time as a decision is taken and communicated to the petitioner and the 2nd respondent, the Panchayat will not take any coercive steps for demolishing the structure which is referred to in Ext.P2 notice.

The Writ Petition is disposed of as above.

PIUS C. KURIAKOSE, JUDGE

btt

